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Smw 7.24.02

Docket No.: 1341.1008-D

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

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Tomio MITUHASHI

JUL 23 2002

Serial No. 09/612,633

Group Art Unit: 2733

Technology Center 2600

Confirmation No. 8985

Filed: July 7, 2000

Examiner: Leung, Christina Y.

For: OPTICAL COMMUNICATION UNIT

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

On page 2 of the Office Action, the Examiner indicates that a restriction is required under 35 U.S.C. § 121. However, it appears that the Preliminary Amendment, which was filed along with the original application, was not considered. Attached hereto, is a copy of the Continuing (1.53(b)) Utility Patent Application transmittal, which included the Preliminary Amendment (page 2 of the transmittal) to cancel claims 1-10. Accordingly, claims 11-23 should be the only claims pending and under consideration in the above-identified application. Therefore, applicant elects claims 11-23 for prosecution.

In view of the above, it is respectfully requested that the Preliminary Amendment be entered and considered.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

July 19, 2002

By:

Derrick L. Fields
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Washington, D.C. 20001
(202) 434-1500



CONTINUING (1.53(b)) UTILITY PATENT APPLICATION TRANSMITTAL (Only for continuing applications under 37 CFR 1.53(b))	Attorney Docket No. 1341.1008-D/JDH	
	First Named Inventor: Tomio MITUHASHI	
	Title:	OPTICAL COMMUNICATION UNIT
	Express Mail Label No.	

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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1. ☒ Fee Transmittal Form

2. ☒ Specification, Claims & Abstract [Total Pages: 86]

3. ☒ Drawing(s) (35 USC 113) [Total Sheets: 15]

4. ☒ Oath or Declaration [Total Pages: 1]

a. ☐ Newly executed (original or copy)

b. ☒ Copy from a prior application (37 CFR 1.63(d)) (see Box 18)

5. ☐ This application is filed by fewer than all the inventors named in the prior nonprovisional application.

a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

6. ☒ Incorporation by Reference (usable if Box 4b is checked)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. ☐ Microfiche Computer Program (Appendix)

8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

a. ☐ Computer Readable Copy

b. ☐ Paper Copy (identical to computer copy)

c. ☐ Statement verifying identity of above copies

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ACCOMPANYING APPLICATION PARTS	
9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) [<input type="checkbox"/> Power of Attorney	
11. <input type="checkbox"/> English Translation Document (if applicable)	
12. <input type="checkbox"/> Foreign priority benefit under 35 U.S.C. §119 is claimed.	
a. <input type="checkbox"/> Certified Copy of Priority Document(s) filed in prior application No. <u> </u> / <u> </u> .	
b. <input type="checkbox"/> Certified Copy of Priority Document(s) enclosed.	
c. <input type="checkbox"/> Certified Copy of Priority Document(s) to follow.	
13. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input checked="" type="checkbox"/> Copies of IDS Citations	
14. <input type="checkbox"/> Preliminary Amendment	
a. <input type="checkbox"/> enclosed herewith.	
b. <input checked="" type="checkbox"/> incorporated herein (see Box 18).	
15. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)	
16. <input type="checkbox"/> Small Entity Statement(s) [<input type="checkbox"/> Statement filed in prior application, status still proper and desired.	
17. <input type="checkbox"/> Other:	

18. CONTINUING APPLICATION, check appropriate box and supply the requisite information below:[] Continuation [X] Divisional [] Continuation-in-part (CIP) of prior application No: 09/046,558Prior application information: Examiner: V. LIEUGroup/Art Unit: 2733

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Preliminary Amendment:

- [X] Cancel in this application original claims 1-10 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- [X] Amend the specification by inserting before the first line the sentence:

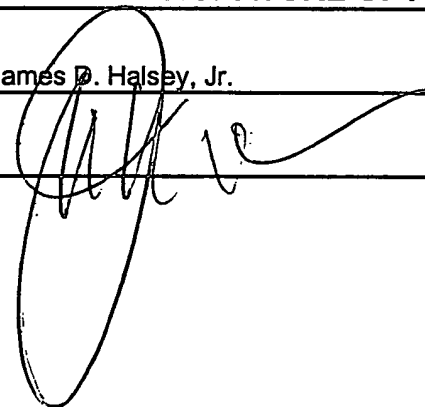
ai. This application is a divisional of application number 09/046,558, filed March 24, 1998, now pending.

19. NEW CORRESPONDENCE ADDRESS * CUSTOMER NO. 21,171

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20. SIGNATURE OF ATTORNEY OR AGENT

NAME	James D. Halsey, Jr.	REGISTRATION NO.	22,729
SIGNATURE		DATE	June 30, 2000



Please return this card, indicating receipt date and Serial No., if applicable, of the following Continuing (1.53(b)) Utility Patent Application Transmittal (including Spec., Claims, Abstract and Drawings), Copy of Declaration, Fee Transmittal, IDS, Form PTO 1449, 13 refs., Check \$690.00

Applicant(s): Tomio MITUHASHI
Title: OPTICAL COMMUNICATION UNIT
Serial No.:
Filing Date: June 30, 2000
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Due Date:



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